

21 Comp. Gen. 1129

(1) "A retired Army officer, not falling within one of the exceptions in the act of July 31, 1894 ...."

Exceptions:

(a) "... this shall not apply to retired officers of the Army, Navy, Marine Corps, or Coast Guard whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate."

(b) "... retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard who have been retired for any cause ..."

(c) "... retired officers (of the services) who have been retired for injuries received in battle..."

(d) "... retired officers (of the services) who have been retired for incapacity incurred in the line of duty."

"... prohibiting persons whose annual compensation in one office amounts to \$2,500 or more from holding another office to which compensation is attached, holds an office, and his retired pay is compensation attached to an office, within the meaning of the act, so that his appointment to a regular full-time Government civilian position at a salary exceeding \$2,500 per annum is void ab initio, and payment of the salary of such position from the date of appointment is illegal, irrespective of whether he refunds his retired pay."

(2) "While a retired Army officer who receives retired pay of less than \$2,500 per annum is not prohibited by the act of July 31, 1894, as amended, from receiving less than \$2,500 per annum in a Government civilian position, under Section 212 of the act of June 30, 1932, the combined rate of civilian compensation and retired pay may not exceed \$3,000 per annum, and, in the event the combined rate exceeds such limitations, it is required that the civilian compensation be paid in full and that the deductions necessary to bring the combined rate within the limitation be made from the retired pay."

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Shepardized: 22:796: 3000 refers to basic compensation only; not overtime.